

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STATISTICS & RESEARCH
455 Golden Gate Avenue, 9th Floor
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ADDRESS REPLY TO:

San Francisco P.O. Box 420603
CA 94142-0603



SCOPE OF WORK PROVISION

FOR

TUNNEL WORKER (LABORER)
(ALL CLASSIFICATIONS)

IN

IMPERIAL, INYO, KERN, LOS ANGELES, MONO, ORANGE,
RIVERSIDE, SAN BERNARDINO, SAN LUIS OBISPO, SANTA
BARBARA, AND VENTURA COUNTIES

MEMORANDUM OF AGREEMENT

By and between

Southern California District Council of Laborers

And

ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA,
INC.

Changes from the 2003-2006 Tunnel Master Agreement

RECEIVED
Department of Industrial Relations

JAN 8 1 2007

Div. of Labor Statistics & Research
Chief's Office

Additions reflected in bold underline. ~~Strikeout items indicate deletions~~

TUNNEL MASTER AGREEMENT

between
ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA, INC.

and

SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS
AFFILIATED WITH THE LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA, AFL-CIO

This AGREEMENT entered into this 1st day of November, 2003, by and between the Associated General Contractors of California, Inc. hereinafter called the ASSOCIATION, and the Southern California District Council of Laborers affiliated with the Laborers' International Union of North America, AFL-CIO, and its affiliated Local Unions, or any or all of them, hereinafter referred to as the UNION.

SECTION 1 - GENERAL PROVISIONS

The term Association shall refer to the Associated General Contractors of California, Inc.

The term Employer (or Contractor) shall refer to a person, firm or corporation party to this Agreement.

The term Union means the Southern California District Council of Laborers and its affiliated Local Unions.

The term Local Union, as used herein, shall refer to a Local Union affiliated with Southern California District Council of Laborers, which has jurisdiction over the work in the territory covered by the Agreement.

The term Employee (or Employees) means the employed person or persons.

The term Workmen means persons in the Labor Market not employed. All personal nouns and pronouns refer to the male and female gender.

(a) This Agreement shall cover the CONSTRUCTION, ALTERATION, REPAIR AND DEMOLITION of tunnels, subways, shafts, raises and all underground excavations including lining of same. All open cut work shall be excluded from this Agreement including open cut work which is covered over or decked with wood, steel or other substitute material.

(b) This Agreement shall apply to any employee who performs work falling within the recognized jurisdiction of those local unions of the Laborers' International Union of North America, affiliated with the Southern California District Council of Laborers, except that this Agreement shall not apply to Superintendents, Assistant Superintendents, Civil Engineers and their helpers, Timekeepers, Confidential Help and Office Help.

(c) Geographical Coverage: This Agreement shall apply to the area generally known as the eleven Southern California Counties: namely, Los Angeles, Orange, San Bernardino, Riverside, Imperial, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo and Mono. This Agreement shall also apply to the offshore islands of Southern California: namely, Richardson Rock, San Nicholas Island, Santa Catalina Island, San Miguel Island, Santa Barbara Island, San Clemente Island, Santa Rosa Island, Anacapa Island, Santa Cruz Island, Arch Rock, and any man-made or artificial islands offshore the Southern California Counties.

SECTION 2 - COVERAGE AND DESCRIPTION

This Agreement shall cover all work of construction, alteration, repair or demolition of all tunnels, shafts, raises, subways, and all underground excavations including lining of same (open cut work shall be excluded only to the extent as outlined in Section 1), which falls within the rightful jurisdiction of the Laborers' International Union of North America. Without limiting the scope of the work covered hereby it is agreed that miner's work shall include, but not be limited to the construction, laying and maintenance of all railroad track in subways and tunnels; all mining work including the manning, running and/or handling of all boring equipment, laser beams, mole machines, shields and all drilling; regardless of type or method used for work covered by this Agreement, sharpening of bits, steel nippers, dumpmen (power or manual), dry housemen, chucktenders, air tuggers, all conveyors, kemper pneumatic placer and all similar type equipment, all rock bolting and placing of rock restraining wire, setting all steel, including but not limited to placing, tying and bending of rebar, and wood supports, jacking of pipe, drilling, loading and shooting, handling of all powder, including splitting and making primers; all timbering, retimbering, whether wood or steel; all mucking and dumping; cable tenders, swampers on muck trains and timber trains; handling, installing and extending all water, air and vent lines, manning of cherry pickers while mucking; handling sponge pumps in wet headings; all caulking and guns, all concrete work, including shotcrete (or similar type), gunite and grouting, dumping of agitators; raising, setting and moving forms; handling of rods and other materials for use in reinforced concrete; stripping all forms and cleanup work; all concrete finishing; running of grout pumps and screeding of concrete; waterproofing, membrane vapor, barrier and H.D.P.E. installation.

This Agreement shall also cover miner's work on that part of the open cut excavation two (2) diameters in front of the portal face, two (2) diameters in back of the portal face, one (1) diameter above the arch of the tunnel, and four (4) diameters on each side of the center line of the tunnel where, because of the nature of the conditions encountered, it is necessary to employ special techniques used in tunnel work in order to secure the portal area preparatory to commencing underground operations. Concrete operations covered by this Agreement are those which start at the tunnel portals or at the collars of the shafts, and are carried out underground. (Diameter as used above is the specified excavated diameter of the tunnel.)

Laborers' work on construction of structures such as, but not

limited to, intake or outlet structures, power houses, and penstocks outside the portal face shall be outside work, though they may lie within the area defined above, and shall not be covered by the Tunnel Agreement.

The words "alteration, repair or demolition of all tunnels" as used in the first paragraph shall apply only to miner's work on the support of, the lining of, or the structure of the tunnel itself, but not to Laborers' work on mechanical or electrical facilities, road paving (excluding inverts), tile work, or other work within the tunnel not done with tunneling methods and equipment. Once a tunnel has been completed and put into full operation for the purpose for which designed, the provisions of the Master Labor Agreement between the Southern California General Contractors and the Southern California District Council of Laborers shall apply.

Swampers on moving trains shall be employees under this Agreement.

All classifications listed in this Agreement which are not listed under this Section shall be included in the coverage and description of work just as though incorporated in full in this Section.

Any Contractor not signatory to both the Laborers' Tunnel Agreement and the Master Labor Agreement agrees that whenever work is performed which is covered by the terms of the Laborers' Master Labor Agreement for the Eleven Southern California Counties, the provisions of that Agreement shall be fully applicable to and binding upon the individual Contractor.

SECTION 3 - SUBCONTRACTORS

The terms and conditions of this Agreement insofar as it affects Employer and the individual employer shall apply equally to any subcontractor of any tier under the control of, or working under oral or written contract with such individual employer on any work covered by this Agreement to be performed at the jobsite or job yard, and said subcontractor with respect to such work shall be considered the same as an individual employer covered hereby.

Subject to the provisions of this Section and any other Section of this Agreement applicable to subcontractors, if an individual employer shall subcontract work herein defined, such subcontract shall state that such subcontractor agrees to be bound by and comply with the terms and provisions of this Agreement.

A subcontractor is defined as any person, firm or corporation who agrees under contract with the Employer, or any individual employer, or a subcontractor of the Employer, or any individual employer to perform on the job site any part or portion of the construction work covered by the prime contract, including the operation of equipment, performance of labor and installation of materials.

The individual employer has the primary obligation for performance of all conditions of this Agreement. This obligation cannot be relieved, evaded or diminished by subcontracting. Should the individual elect to subcontract, the individual employer shall continue to have such primary obligation. Said primary obligation shall be deemed conclusive evidence

SOUTHERN CALIFORNIA DISTRICT COUNCIL OF LABORERS

AFFILIATED WITH
LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO

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Local 591

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To: July Ng
DLSR

From: David Key
Field Representative

Date: July 20, 2004

Re: Tunnel Master Agreement

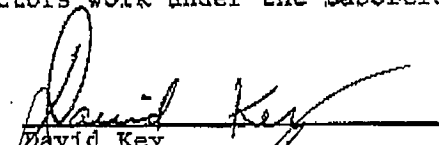
This is in response to your questions regarding the Rollover Dumpman and Segment Erector classifications.

Rollover Dumpman:

The Rollover Dumpmen are the yard workers who take care of the dump car. The dump car is used to take out debris and trash out of the tunnel. The train pulls the dump car out of the tunnel. When it is hauled out, the yard men are the ones who dump the debris and trash out of the car. These are the Rollover Dumpmen who work under the Laborers' Tunnel Master Agreement.

Segment Erector:

The Segment Erectors are the workers who place segments in the tunnel. Segments are used to shore up the tunnel to strengthen the tunnel walls. After the Segments are in place, the segments are encased in concrete to give them more strength. Segment Erectors work under the Laborers' Tunnel Master Agreement.


David Key
Field Representative